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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,614	08/22/2003	Norimasa Sohmiya	241850US3	8273
22850	7590	12/08/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHEN, SOPHIA S	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### *Response to Election*

1. The reply filed on 10/25/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): part of the elected claims (e.g. claim 16) do not belong to Species I. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### *Examiner Comment*


2. Applicants apply the decision of *In re Kase*, 71 USPQ2d 1063 to argue the Restriction Requirements is improper and should be withdrawn. The examiner does not agree with this argument. The decision of *In re Kase* applies to **product/process** restriction only. Since the restriction requirements of last Office action are based on different species, the decision of *In re Kase* does not apply to last Office action. Therefore, the applicants need to identify claims that only belong to Species I.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (703) 308-7617. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sophia S. Chen  
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Art Unit 2852

Ssc  
December 6, 2004